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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF COMMERCE

ORDER

New Delhi, the 31st July 1968

S.O. 2747.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government, being of opinion that it is necessary so to do, hereby makes the following order, namely :—

1. **Short title, extent and commencement.**—(1) This Order may be called the Coir Retting (Licensing) Order, 1968.

(2) It shall extend to the whole of the States of Kerala and Madras.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless the context otherwise requires—

(i) 'fibre' means coir fibre extracted from retted husks;

(ii) 'Form' means a Form appended to this Order;

(iii) 'husk' means coconut husk, raw or retted;

(iv) "Licensing officer" means an officer appointed by the State Government to exercise the powers of the licensing officer under this Order;

(v) 'month' means a calendar month;

(vi) 'offer to sell' includes a reference to intimation by a person of the price proposed by him for the sale of an article or to the indication of the price by furnishing quotation or by private communication or otherwise;

(vii) 'person' includes a corporation, a firm, an association of individuals or a co-operative society duly registered under any Act relating to co-operative societies in force in a State;

(viii) 'retting' with its grammatical variations and cognate expressions means the process of immersing of husks in pond, lake or pit containing water, as a preliminary step to extraction of fibre;

(ix) 'yarn' means the yarn obtained by the spinning of fibre;

(x) 'year' means a year commencing on the 1st day of April, and annual or annually shall be construed accordingly.

3. **Licence for retting.**—(1) The licensing officer may determine a locality within which retting shall not be undertaken or caused to be undertaken by any person except in places licensed for the purpose, and the name of the locality so determined shall be published in a leading newspaper circulating in the locality.

(2) No person shall thereupon undertake any retting operation or cause any retting operation to be undertaken in that locality except in accordance with the terms and conditions of a licence issued in this regard and no person shall acquire, stock or have in possession any retted husk within that locality without the permission in writing of the licensing officer.

(3) In granting a licence or permission referred to in sub-clause (2) a licensing officer shall have due regard to—

(a) the extent of the locality determined under sub-clause (1) and the location of the retting place in that locality;

(b) the facilities for retting available in that locality;

(c) the suitability of the places in that locality for retting, taking into account:

(i) the normal quality and quantity of the product when retted at such places;

(ii) the quantity of husk that can be retted at such places;

(iii) the facilities available in such places for watching and successfully preventing any possible contravention of the provisions of this Order;

(d) the quantity of husks proposed to be retted in that locality;

(e) the financial status of the applicant;

(f) the past performance of the applicant in retting operations and his conduct in connection therewith.

(4) An application for a licence or for permission shall be made to the licensing officer in Form I and the application for the licence shall be accompanied by a fee of fifty paise per spare meter when the location of retting is in back-waters and a fee of twenty paise per square meter in other localities.

(5) On receipt of an application for the issue of a licence or permission, the licensing officer may, after making such inquiries, if any, as he consider necessary by order in writing, either grant the licence or permission or reject the application for the same:

Provided that no application for the issue of a licence or permission shall be rejected unless the applicant has been given a reasonable opportunity of showing cause against such rejection:

Provided further that a copy of the order shall be communicated to the applicant.

4. **Declaration of stock.**—Without prejudice to the provisions of clause 10, a person holding a licence for retting husks shall, before the tenth day of a month, declare to the licensing officer the stock of retted husks with him as on the last working day of the previous month.

5. **Sale of retted husks.**—(1) No person who has retted any husk in the locality determined under sub-clause (1) of clause 3 shall sell, offer to sell, transport or dispose of in any manner such retted husks except in accordance with the terms and conditions of permission issued by the licensing officer.

(2) In granting the permission referred to in sub-clause (1), the licensing officer shall have due regard to :—

(a) the quality and quantity of retted husks mentioned in the application,

(b) the purpose of disposal,

(c) the persons or class of persons to whom the sale is to be made,

(d) the price at which the sale is to be made,

(e) the demand for retted husks in the locality and its neighourhood as well as the demand for the type of yarn which can be produced from the retted husks.

(3) An application for this purpose shall be made to the licensing officer in Form II.

(4) On receipt of an application for the issue of permission, the licensing officer may, after making such inquiries, if any, as he may consider necessary, by order in writing, either grant the permission or reject the application for the same :

Provided that no application for the issue of a permission shall be rejected unless the applicant has been given to reasonable opportunity of showing cause against such rejection:

Provided further that a copy of the order shall be communicated to the applicant.

6. **Fixing prices for retted husks.**—The licensing officer may, with the previous approval of the Central Government, fix the ex-retting price of any retted husks or type of retted husks in the locality determined under sub-clause (1) of clause 3 either by publishing the price in a leading newspaper circulating in that locality or by communicating to the persons in possession of the retted husks the price by letters or otherwise.

7. **Power to issue directions.**—(1) The licensing officer may, with a view to securing proper distribution of retted husks, fibre or yarn, issue directions to any person who possesses retted husks in the locality determined under sub-clause (1) of clause 3 to sell or deliver such quantity of retted husks to such persons at such prices and within such period as he may specify.

(2) In issuing the directions under sub-clause (1), the licensing officer shall have regard to—

(a) the quantity of retted husks available in the locality with the person concerned,

(b) the quantity of retted husks in the possession of the buyer and his normal rate of production of yarn,

(c) the demand for the type of yarn that can be produced from such retted husks,

(d) the information contained in the declaration under clause 4 or the information contained in the application made under sub-clause (3) of clause 5, or the records maintained under clause 10.

(3) Where the directions as aforesaid become infructuous by reason of the fact that a buyer mentioned in the directions refuses to purchase or omits to purchase the retted husks within the specified date, the person in possession of the retted husk shall report the matter to the licensing officer.

(4) The person in possession of the retted husks shall not effect any sale of such retted husks within seven days of making such report under sub-clause (3).

(5)(a) Without prejudice to the foregoing, it shall be open to the Central Government or to an officer authorised by the Central Government in this behalf to issue general directions for sale to any specified person or class of persons every month a certain fraction of the monthly production of retted husks. retted by any person in terms of a licence;

(b) The prices at which such retted husks shall be sold, shall either be specified, or arrived at in accordance with the formula specified, by the Central Government or the aforesaid officer.

(6) If any direction issued under sub-clause (1) is repugnant to any direction issued under sub-clause (5), the direction issued under sub-clause (5) shall prevail and the direction issued by the licensing officer under sub-clause (1) shall, to the extent of the repugnancy, be void and be of no effect.

8. **Cancellation of licence.**—When the licensing officer is satisfied that any applicant for a licence has furnished incorrect information or that he has, after obtaining the licence, contravened any provisions of this Order or the terms and conditions of a licence or permission or direction, or that there is any other sufficient cause to be recorded in writing for cancelling the licence, the licensing officer may, without prejudice to any other action, cancel the licence:

Provided that before cancelling the licence the person concerned shall be given a reasonable opportunity to make his representations:

Provided further that a copy of the order together with the reasons for the cancellation shall be communicated to the person concerned.

9. **Appeal.**—(1) Any person aggrieved by an order of the licensing officer may, within thirty days from the date of receipt by him of the copy of the order, appeal to the Central Government whose decision thereon shall be final:

Provided that the Central Government may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-clause (1) the Central Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal.

10. **Maintenance of records.**—The licensing officer may, by general or by special order, direct the holder of a licence to maintain such records of his business in such manner, and to submit to him such returns relating to the business, as may be specified in the order.

11. **Power of entry and inspection.**—(1) The licensing officer may, with a view to securing compliance with the provisions of this Order—

(a) require any person to give such information in his possession with respect to any business carried on by him or any other person;

(b) require any person in writing to furnish samples of any article to which this Order applies;

(c) require any person in writing to produce books or documents belonging to him or under his control;

(d) inspect or cause to be inspected any books or documents in the possession or under the control of any person;

(e) enter and search any premises and seize any article to which this Order applies in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of stocks so seized in a court or for their safe custody, pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) relating to search and seizure, shall, so far as may be, apply to searches and seizures under this clause.

12. **Penalty.**—Any person who contravenes any of the provisions of this Order or of the provisions of licence or permission granted under this Order, or fails to carry out any direction or requisition made thereunder shall be punishable under section 7 of the Essential Commodities Act, 1955.

FORM I.

COIR RETTING (LICENCING) ORDER 1968

[*See* clause 3(4)]

Form of application for the grant of a licence for retting

1. Name and address of the applicant.

2. Location of the retting field (Survey No. Village, Taluk and District).

3. Is the applicant the owner of the retting field or is he a lessor.			
4. If a lessor, the charges levied by the owner for retting 1000 husks.			
5. Capacity of the retting field (in 000's husks).			
6. No. of husks intended to be retted in the year.			
7. Average monthly earnings of the applicant.			
8. No. of husks retted by the applicant during the last 3 years (financial yearwise).			
9. Average cost of 1000 green husks purchased during the previous year.			
10. Average charges to be paid for retting 1000 husks.			
11. Quantity of retted husks consumed by the applicant for the production of coir fibre during the previous year.	Purchased.	Consumed	Balance.
12. Quantity of retted husks sold to other persons during the previous year and its value received.	Sold		Balance in hand
	Quantity	Value	Quantity Value
13. Variety of yarn produced in the area.			
14. No. of husks required for the production of 1 quintal of coir fibre.			
15. No. and date of previous licence issued, if any.			

DECLARATION

I do hereby declare that to the best of my knowledge and belief the above information is correct and complete, that I am aware of the conditions of the licence and that I agree to abide by them I also declare that I have not previously applied for the licence/I applied for such licence on..... but was refused licence.

Signature of applicant.

Station:

Date:

FORM II

COIR RETTING (LICENCING) ORDER 1968

[*See* clause 5(3)]

Form of application for permission for the disposal of retted husks

1. Name and address of the applicant.	
2. No. and date of licence possessed.	
3. Total stock of retted husk.	
4. Variety of yarn that can be produced out of the fibre extracted from those husks e.g. Anjengo, Mangadan, Aratory, etc.	
5. The quantity of retted husks proposed to be disposed of.	

6. Method of disposal.
7. Purpose of disposal.
8. If disposal is by sale, the persons or class of persons to whom the sale is to be made.
9. The price at which the sale is to be made.

DECLARATION

I do hereby declare that to the best of my knowledge and belief the above information is correct and complete, that I am aware of the conditions by them, I also declare that I have not previously applied for the permission/I applied for such permission on————————but was refused permission.

Signature of applicant.

Station:

Date:

[No. F. 23(8)Tex(D)/68.]

DEVINDAR NATH, Jt. Secy.

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